

RESOLUTION NO. 17-1787

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING THE PURCHASE OF ADDITIONAL PROPERTY FOR WELL SITE 19 LOCATED NORTHEAST OF VAN BUREN STREET AND ESTRELLA PARKWAY; AUTHORIZING THE AMENDMENT OF THE LETTER OF INTENT; AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF A PURCHASE AGREEMENT; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ACTIONS AND EXECUTE DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city currently owns a municipal recovery well, known as Well Site 19, located northeast of Van Buren Street and Estrella Parkway; and

WHEREAS, over the past couple of years Well Site 19 has experienced diminishing capacity. This diminished capacity has prompted the city to begin work to rehabilitate the well. During the rehabilitation process, a catastrophic failure was identified. This failure requires the well to be completely re-drilled. In order to accommodate drilling a new well and utilize the existing infrastructure from Well 19, the new well must be replaced approximately 50 feet from its current location; and

WHEREAS, the current well site is about half of the city's standard well site size. The purchase of this Additional Property will provide the city with the standard size well site, allow for the damaged well to be re-drilled per Arizona Department of Water Resources requirements, and allow for the existing infrastructure to be used; and

WHEREAS, the city has worked with Evergreen-Estrella,& I-10, LLC, an Arizona limited liability company to enter into the non-binding Letter of Intent, dated February 8, 2017 attached hereto as Exhibit "1" for the purchase of an approximately 6,108 square feet of additional land for the expansion of Well Site 19 (the "Additional Property"); and

WHEREAS, the purchase price for the Additional Property will be calculated at \$7.25 per square foot, which is consistent with prices paid in recent comparable sales. The estimated purchase price for the Additional Property is \$43,530.50, (which will be adjusted, if necessary, based upon the square footage as established by the legal description to be obtained). In addition to the purchase price, the City will be responsible for paying closing costs, which includes apportioned taxes and fees, and for the Seller's actual legal fees, not to exceed \$2,500.

WHEREAS, Staff estimates the cost of the closing costs, legal fees, the cost of having the legal descriptions prepared and other associated fees required to complete this transaction to be and additional \$7,500 over and above the purchase price; and

WHEREAS, because time is of the essence in terms of the City's need to get the replacement well constructed, the Letter of Intent imposes a deadline of March 8, 2017 for the completion of the Purchase Agreement completed; and

WHEREAS, the City's purchase of the Additional Property is subject to council approval.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The City Council approves the purchase of the Additional Property consistent with the terms of the Letter of Intent attached hereto as Exhibit 1.

SECTION 2. The City Council authorizes the City Manager to amend the Letter of Intent to extend the deadline for completing the Purchase Agreement if the City Manager determines that the Seller is acting in good faith and such an extension is in the best interest of the City.

SECTION 3. The City Council authorizes and directs the City Attorney or his designee to prepare a Purchase Agreement for the purchase of the Additional Property consistent with the terms of the Letter of Intent attached hereto as Exhibit "1" and authorizes and directs the City Manager to into such Purchase Agreement.

SECTION 4 The City Manager or his designee is hereby authorized and directed to take any and all actions and execute all documents necessary to carry out the intent of this Resolution and the terms of the Letter of Intent and Purchase Agreement referred to herein, including, by way of example, but not limitation, extending the deadline in the Letter of Intent to complete the Purchase Agreement, preparing the legal description of the Additional Property, executing the Purchase Agreement authorized herein, preparing the conveyance documents for the Additional Property; and accepting the Additional Property on behalf of the City.

SECTION 5 This Resolution shall become effective upon its adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 17-1787 is a true, correct and accurate copy of Resolution No. 17-1787, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk